

## Louisiana State Bar Association Children's Law Committee

Wednesday, August 25, 2021, at 12:00 – 1:00 PM

Join Zoom Meeting:

<https://us06web.zoom.us/j/86440175424?pwd=QTA5czAzNmNQWVltbUN4blp2bTVrUT09>

Meeting ID: 864 4017 5424

Passcode: 312360

Dial by your Location: +1 346 248 7799 US (Houston)

### Attendees:

1. Curtis Nelson – La. Supreme Court
2. Kellie Johnson – Mental Health Advocacy Services
3. Barbara Ferguson – Attorney at Law
4. Josephine Vanderhorst – Southeast Louisiana Legal Services
5. Victor Jones – NAACP Legal Defense Fund
6. Courtney Shcroeder – Jefferson Parish Juvenile Court
7. Ariel Test – Louisiana Center for Children's Rights
8. Allison Zimmer – Louisiana Center for Children's Rights
9. Guy Lain – Department of Children Family Services
10. Jennifer Womble – Jefferson Parish Public Defender's Office
11. Rachel Nastasi – Acadiana Legal Services Corporation
12. Karen Hallstrom – Law Institute Children's Code Committee & Pelican Center Board President
13. Jack Harrison – Juvenile Defense Clinic – LSU Law Center
14. Franchesca Hamilton-Acker – Acadiana Legal Services Corporation
15. Jennipher V. Williams – Mental Health Advocacy Services
16. Barry LaCour – Mental Health Advocacy Services/ Child Advocacy Program
17. Cherrilynne Thomas – Department of Children & Family Services
18. Sowmya Mandava – 24<sup>th</sup> Judicial District Court, Division C.
19. Leigh Ann Sakla – Jefferson Parish Juvenile Court
20. Steven Farber – Metropolitan Human Services
21. Alexandra Kamp – Southeast Louisiana Legal Services
22. Mary Ann McGrath Swaim – Southeast Louisiana Legal Services
23. Pamela Toney Crawford – Mental Health Advocacy Service/ Child Advocacy Program
24. Martha Maher – Attorney at Law
25. Caitlin Glass – Pelican Center for Children and Families

### LSBA Staff:

- Monte Mollere
- Mariarenee Contreras
- Stephanie Beagh

## MINUTES

### 1. Welcome & Introduction:

- a. Curtis Nelson asked all new members to introduce themselves to the committee. New membership includes attorneys from the NAACP, Southeast Louisiana Legal Services, Mental Health Advocacy Services, and Louisiana's Center for Children's Rights.

b. 5.19.2021 Minutes Approval.

- i. Curtis moved to amend minute notes on pg. 3 under Legislative Law Updates. The notes state, "State Senate Bill 151." Notes should state, "Foster Care Bill of Rights." Additionally, minute notes under pg.4 state "livid advocates. Notes should state, "peer advocates." No other comments were made. Minutes with amendments were moved for approval by Steven Farber. Seconded by Mary Ann Swaim.

**2. COVID-19 Updates & Resources.**

- a. Kellie opened up the forum for members to provide update:
  - i. Mary Ann Swaim – reported a message from the Terrebonne Bar Association that Judge Randall L. Bethancourt is making Zoom available for anyone who requests it. Josephine updated that zoom availability and options are a case-by-case basis depending on the Judge's preference.
  - ii. Curtis asked if any attorneys were having trouble requesting Zoom conferences or if this was ultimately left to the Judge's discretion? Josephine confirmed that zoom requests are based on the Judge's discretion.
  - iii. *Michelle Perkins* – reported she was in a continued child custody hearing for a CINC case where the parents attended in person, but their attorneys attended via Zoom. Michelle asked if this kind of situation has been seen by other attorneys for child custody cases or termination issues. Steven Farber commented that both an attorney and client should be physically present in court if one party is going to attend. There should not be a hybrid model for attendance in these types of proceedings. Rachel Nastasi commented that she has seen similar practices and parties will usually request for a recess to communicate with their client/attorneys. Though this process is difficult when a party needs to speak during the actual hearing. Caitlin Glass commented that at the recent NACC conference there was a presentation regarding virtual hearings and that contested hearings were not encouraged to be done virtually. Committee members shared their concerns about the due process issues that can arise from contested hearings if they are offered virtually and provided resources that may contain helpful information.

**3. 2021-2022 Initiatives Discussion.**

- a. *Curtis* opened the conversation:
  - i. *Curtis* brought up the idea of doing a new Children's Law Bar Journal edition in the new bar year. A Children's Law edition was published about 3 years ago in 2018.
    1. Committee Staff Liaison, Mariarenee explained that this project would require additional planning and collaboration with other committee members. The planning group would need to outline potential article topics for the special edition. Other options are for committee members to propose individual articles that can be published throughout the bar year and even have law student interns partake in the writing process.
    2. *Karen Hallstrom* reminded the committee that the 2018 edition focused on child representation in CINC cases, but maybe the new edition or a select number of articles can focus on who are the parties' representing children and families in CINC cases.

3. *Barbara Ferguson* suggested including topics that talk about recent legislation relating to children's law and how these new laws affect children.
  4. *Kellie Johnson* suggested providing more awareness about the legal implications and DCF's policy surrounding children aging out of the foster care system.
- ii. If anyone is interested in helping plan this special Children's Law Bar Journal edition, please contact the Committee's co-chairs and Mariarenee Contreras.
- b. *Michell Perkins* asked if the committee could request for a special section to be dedicated only to Children's law issues. These sections could provide an opportunity for Bar Members to learn about the different CINC resources and organizations that are already in place. This can be alternative to the Children's Law Edition and provide an opportunity for the Committee to talk about a variety of issues. Additionally, getting other bar members involved with children's law issues or even joining the committee.

#### **4. Working Group Roster & Updates:**

- a. **Trauma Informed Work Group:**
  - i. No updates now. *Curtis* reported that the Court Improvement Program is speaking with TCU to try to develop a TBRI for lawyers in the courtroom curriculum and training. This was the brainchild of Judge Adam Haynie and Anna Palmer w/ Crossroads Nola. This training may start off only in a few regions but will be meant for the whole state. *Michelle Perkins* offered to help and provided that her attorneys in Caddo have experience with trauma related resources. *Josephine* commented that she would love to hear from Judge David Matlock.
  - ii. *Caitlin Glass* commented that NACC conference offered various resources relating to Trauma Informed Care for both CINC and Delinquency. She is happy to share them with anyone who did not attend the conference.
  - iii. *Kellie* will be reaching out to the Trauma Informed Care group as well.
- b. **Legislative Work Group:**
  - i. *Karen* asked if the Committee circulated the last legislation's session summary for Children's Law. LEAP organization put together a wonderful summary of federal legislation that has an impact on children as well. If nothing has been circulated, she will be happy to share. *Kellie* added that *Aliyah Zeien* (who was part of the LEAP organization) gave an opening speech about youth aging out of foster care. *Karen* also mentioned that the Children's Justice Act workgroup is trying to create a multi-disciplinary action committee and be more proactive about tracking organizations that help track legislation that impact kids and/or can lobby for legislation. This Committee is under DCFS, so it is unclear whether it will only pertain to CINC related issues, but anyone who is interested is encouraged to participate.
- c. **Education Work Group**
  - i. *Barbara* provided an update that the group intends to meet in person. *Barbara* provided legislative updates relating to education.

1. Senate Bill 211 is now Act 353 and this legislation provides for in-service trauma informed education for teachers and other educators. The law also defines adverse childhood experiences which also includes a child living in a home with a person who is violent, suffers from drug addiction, or is experiencing mental health illness. The training also provides information on secondary trauma that is experienced by teachers and staff that respond and help children coming from difficult situations. However, Charter schools are exempted from coverage under the law, but if BESE authorizes the training then charter schools shall receive the training.
  2. House Bill 136 – It was presented by Representative Carter and provided for the trauma assessment of children and youth before being suspended or sentenced. The Bill did not pass. Language included that the only basis for the suspension/expulsion of a K-12 student would be for situations when a child has intentionally inflicted distress or intentional battery.
  3. Barbara commented that these bills show an opposite approach with current proposed legislation because it focuses on trauma informed care versus the zero tolerance procedures in the 1980s and early 90s.
- ii. Barbara talked about continuing her work with talking to Principals from local schools during her own time to find out more about what schools are doing to help with kids who have experienced trauma.
  - iii. In addition, Barbara mentioned that the group will be looking more into the use of IAPs (similar to IEPs), but these plans only focus on the core subjects that children are falling behind in. The IAPs help with enforcing accommodations that children are entitled to without having to go through a behavioral evaluation. Kathleen commented, “I am not on this committee, but last week I did a three-hour training for the current cohort of student teachers at LSU and mentioned the new law regarding trauma in-service training. The student teachers were very interested in the ACE’s training. Maybe this workgroup could connect up with the Dept of Ed in each of our colleges and universities to provide that information and training before they hit the classroom as a teacher.” Curtis added that this would be a good idea.
  - iv. Victor Jones wrote in the Chat, “Have we engaged with the La. Council on the Children of Incarcerated Parents and Caregivers? See HB 729.” Curtis added that this something the working group can look into.
- d. Disparities & Disproportionalities Work Group
    - i. No updates from the work group currently.

## **5. Pelican Center Report.**

- a. The Pelican Center is continuing to work with the La. Supreme Court with the federal court improvement program and a new revised strategic plan was submitted. The plan is waiting for approval and includes outreach to young folks who have gone through the LEAP program. Training around implementation of the department’s child law pair assessment making model which is also known as the Pelican Center’s safety training will be conducted in November. Anyone who is interested in attending can register.

Targeted outreach and training will be conducted for local district attorneys, parent attorneys, children's attorneys and agency attorneys and efforts to continue updating the CINC bench book will be made.

**6. CINC Practices: Preparation of court orders and judgements within proceedings.**

- a. Curtis mentioned that he will defer Item No. 6 for the committee's next meeting. This item pertains to the Louisiana Supreme Courts work with a committee of Judges and DCFS. This work is focusing on the process for preparing court orders and judgements in the Child in Needs of Care cases. As the group makes progress, Curtis or Mark will report back to the committee. One of the findings that came out of the Court Improvement Program with DCFS is that there are some areas in the State where you have lay persons preparing legal documents and submitting those to the court without anybody with a law degree really betting those documents. Curtis will continue updating on these issues as more work relating to this problem is done.

**7. Becoming an Adult Brochure Update:**

- a. Stephanie reported that the cards for the Becoming an Adult Brochure guide are still in the process of being designed.
- b. Karen said that she would like to have the LEAP youth revise the brochures to make them more user able instead of them only having a lawyer's perspective. Karen will connect the group with Mariarenee and Stephanie to start this new project.

**8. Training and Events:**

- a. **Upcoming Changes to Congregate Care in CINC Cases: QRTPs** – Virtual CLE
  - i. Day & Time: August 27, 2021, at 12:30 p.m. to 1:30 p.m.
  - ii. Registration Link: <https://teamdynamicsweb.com/event-4396890>
- b. **Culture S.M.A.R.T. Trainings w/ Team Dynamics LLC**
  - i. Currently a waitlist for September 16<sup>th</sup> training.
  - ii. Link for more information: <https://teamdynamicsweb.com/event-4335268>

**9. Engaging Law Students.**

- a. Loyola Law School is having a virtual skills training for Loyola law students only. Hector Linares and Ariel Test are organizing this event.
- b. Mariarenee reminded the committee that any members who are interested in planning law student trainings and would like help to please feel free and reach out to members and the LSBA for assistance. Additionally, committee members are always welcome to invite law student interns to committee meetings.
- c. Victor Jones suggested reaching out to Professor Angela Bell from Southern Poverty Law Center about engaging law students. Josephine Vanderhorst suggested reaching out to Dean Jupiter from Tulane Law School. Karen suggested checking with Jack Harrison from LSU Law School.

**10. Other Business.**

- a. Rachel Nastasi was awarded as the ABA's Section Litigation Children's Rights Committee's Lawyer of the Month. Franchesca Hamilton-Acker dropped the link highlighting this special award:

<https://www.americanbar.org/groups/litigation/committees/childrens-rights/fearless-childrens-lawyer-of-the-month/>

Curtis will be sharing this to the Louisiana Supreme Court's Chief. The chief will be spotlighting our state's lawyers' achievements soon.

- b. Caitlin Glass shared the QRTP toolkit link for anyone who is interested. The toolkit has a lot of information that is also applicable to OJJ. Link is: <https://pelicancenter.org/qrtj-judicial-toolkit.html>
- c. Michelle Perkins mentioned that there are schools requesting information regarding children who are convicted of a felony because Title 17 allows for children who are convicted of a felony or an act that could constitute a felony, to be expelled or if they have done so in another state to not be admitted.

However, Children's Code article 412 states that all records and reports concerning juvenile court proceedings shall be confidential and cannot be disclosed except as expressly authorized by the Children's Code. Michelle asked if anyone knows whether schools can request felony records? Michelle believes that her department does not have to disclose conviction records because the Children's code supersedes Title 17 and the fact that Title 17 does not specify an obligation to do so.

Committee members suggested that Michelle should remind schools and others requesting juvenile felony records that there are some offenses that are open to the public even though they are in juvenile court and that those offenses only pertain to drug related issues. However, that other records are not authorized for release to the public and that this rule is mandated by the Louisiana Children's Code. In addition, Title 17 does not provide an obligation to provide such records, especially records that are under confidentiality protections.

**11. Adjournment:** Next meeting will be held on Wednesday, November 10, 2021, at 12:00 to 1:00 p.m. This will be a virtual meeting only.